

March 18, 2025

Clifton Cislak  
Clerk of the Court  
U.S. Court of Appeals for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse and William B. Bryant Annex  
333 Constitution Ave, N.W,  
Washington, D.C. 20001

Re: *J.G.G. et al. v. Trump et al.*  
Nos. 25-5067, 25-5068  
Rule 28(j) Letter

Dear Mr. Cislak:

Defendants' latest 28(j) letter states that the district court made a "blithe suggestion" that the government could provide the requested information without concern for national security, but the district court was anything but cavalier.

In his Order, Chief Judge Boasberg expressly stated that if the government believed it could not disclose the requested information, it could "file a Notice, which may, if necessary, be sealed in part, setting forth: . . . The Government's position on whether, and in what form, it will provide answers to the Court's questions regarding the particulars of the flights. Such form could include *in camera* review or in a classified setting. If the Government takes the position that it will not provide that information to the Court under any circumstances, it must support such position, including with classified authorities if necessary." And, at the hearing, Chief Judge Boasberg further emphasized that he could accommodate the government's concerns by using a "classified facility," and that he has served as the Presiding Judge of the Foreign Intelligence Surveillance Court and is thus familiar with the handling of highly classified information.

If the government's position is that it will not under any circumstances disclose to the court highly relevant information regarding whether it *deliberately*



*violated a federal court order*, there is no good reason why it should not explain why it believes its position is lawful.

Respectfully submitted,

/s/ Lee Gelernt

Lee Gelernt

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### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing letter complies within the type-volume limitations of Fed. R. App. P. 28(j) because the body contains 229 words. This letter also complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5)(A) because this letter was prepared in a proportionally spaced typeface using Word 14-point Times New Roman.

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2025, I electronically filed the foregoing with the Clerk for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

Dated: March 18, 2025

/s/ Lee Gelernt

Lee Gelernt